

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 8, 2010

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:09KD-042

Kauai

Grant of Perpetual Non-Exclusive Easement to Kauai Island Utility Cooperative, for
Access and Utility Purposes, Kapaa, Kawaihau, Kauai, Tax Map Key:(4) 4-6-14:36.

APPLICANT:

Kauai Island Utility Cooperative, a business co-operative whose business and mailing
address is 4463 Pahee Street, Suite 1, Lihue, Hawaii 96766.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kapaa situated at Kapaa Homesteads, Series 4, Kapaa,
Kawaihau, Kauai, identified by Tax Map Key: (4) 4-6-14:36, as shown on the attached
map labeled Exhibit A.

AREA:

0.049 acres, more or less.

ZONING:

State Land Use District:	Urban
County of Kauai CZO:	Open

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 4189, to the County of Kauai for public park purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for access and utility purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Special Management Area Use Permit SMA (U)-2008-1 and Shoreline Setback Variance Permit SSV – 2008-1 were issued on September 11, 2007 to the County of Kauai.

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice in April 2007 with a finding of no significant impact (FONSI).

The Final Environmental Assessment for the subject project was published in the Federal Highway Administration Environmental Notice in September 2007 with a finding of no significant impact (FONSI).

DCCA VERIFICATION:

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Applicant in good standing confirmed:	YES

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine one-time payment and
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

Due to the widening of Kuhio Highway, Kauai Island Utility Cooperative is being asked to relocate its guy poles into the County of Kauai's Kauai Park (encumbered by Governor's Executive Order No. 4189.)

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Comments were solicited from:

State Agencies:

DOH	No environmental health concerns
DHHL	No response by suspense date
Historic Preservation	No response by suspense date
OCCL	No response by suspense date
DOT - Highways	Recommend approval
OHA	Requesting that a term easement be granted instead of a perpetual easement

County Agencies

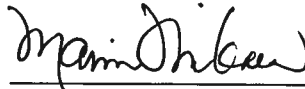
Planning Dept.	No objections
Parks & Recreation	No response by suspense date
Public Works	No comments
Dept. of Water	No comments

RECOMMENDATION: That the Board:

1. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Kauai Island Utility Cooperative covering the subject area for access and utility purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current perpetual easement

- B. Review and approval by the Department of the Attorney General; and
- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



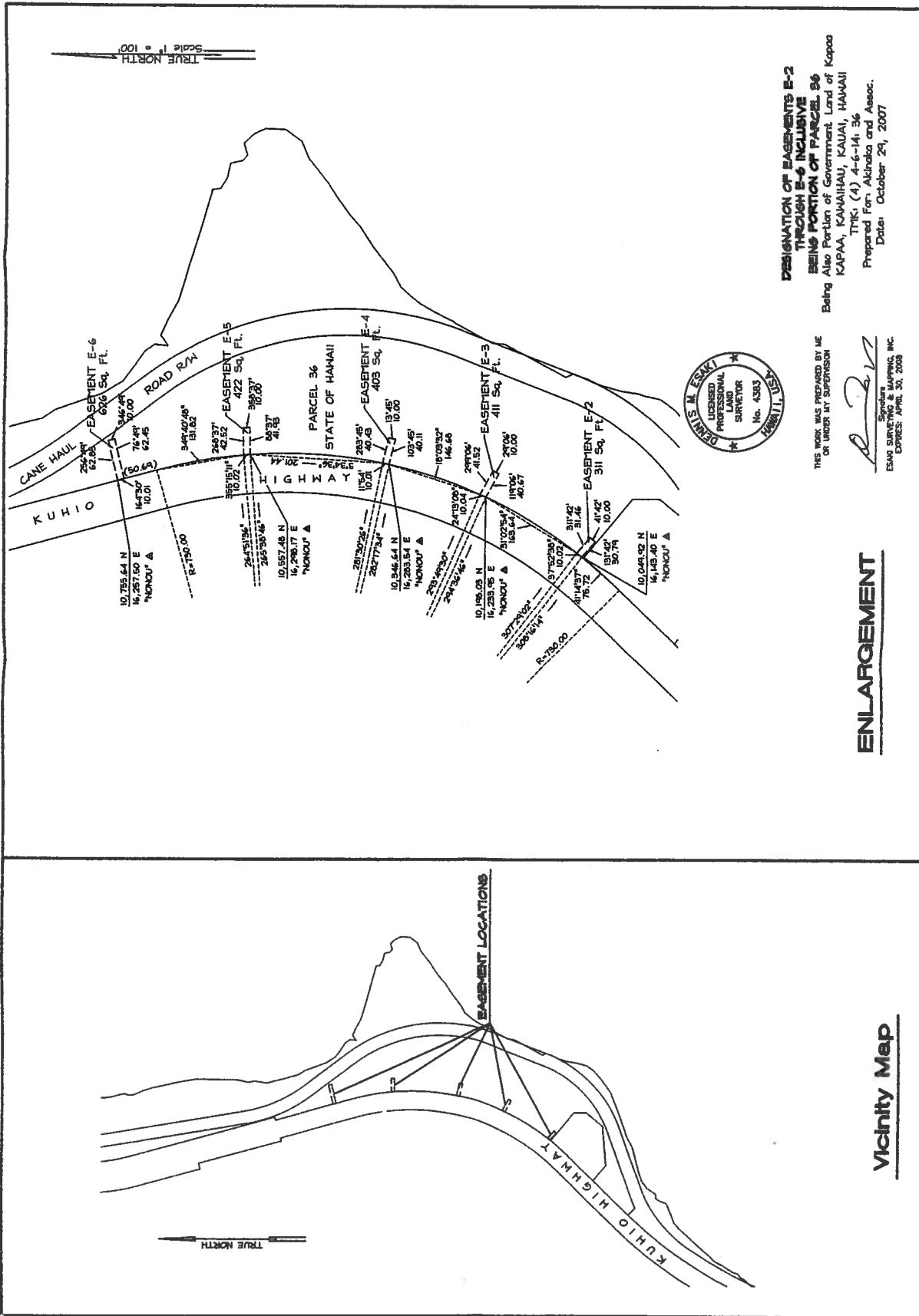
Marvin Mikasa
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson





ENLARGEMENT

Vicinity Map

DESIGNATION OF EASEMENTS E-2 THROUGH E-6 INCLUSIVE
BEING PORTION OF PARCEL 36
 BEING ALSO PORTION OF GOVERNMENT LAND OF KAPOA
 KAPAA, KAUAI, HAWAII
 TRK: (4) 4-6-14: 36
 Prepared For: Aluhaka and Assoc.
 Date: October 29, 2007

THIS WORK WAS PREPARED BY ME
 ON UNDER MY SUPERVISION

[Signature]
 Dennis M. Esaki
 Esaki Surveying & Mapping, Inc.
 OFFICE: APRIL 30, 2008

1610 Hialekono Street
 Lihue, Kauai, Hawaii 96766

ESAKI SURVEYING & MAPPING, INC.
 Civil Engineers - Land Surveyors - Planners

Job Number: 05-43 at
 Drawing File: hlsr(cas).dwg